

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**In Re:**

**114 TENTH AVENUE ASSOC., INC.,**

**Chapter 11**

**Case No. 05-60099 (ALG)**

**Debtor.**

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**STIPULATION**

This STIPULATION is by and between 114 Tenth Avenue Assoc., Inc., the debtor and debtor in possession (the "Debtor"), by its counsel, The Law Offices of Joel Shafferman, LLC, and Karen Nason, as trustee of the Krstc Irrevocable Trust (the "Trust"), by her counsel The Law Offices of Gabriel Del Virginia:

WHEREAS Debtor filed the chapter 11 Petition herein on November 10, 2005; and

WHEREAS Ms. Nason recorded a document purporting to be a mortgage dated November 24, 2004 (the "Mortgage") from Debtor as mortgagor and to Trust as mortgagee against the real property owned by the Debtor at 114 Tenth Avenue (a/k/a 457 West 17<sup>th</sup> Street), New York, New York (Block 715, Lot 1) (the "Property") in the Office of the City Register of the City of New York, City Register File No. (CRFN) 2006000583492 on October 18, 2006, after the filing of the Petition herein and the commencement of the 11 U.S.C. § 362 automatic stay; and

WHEREAS the automatic stay was never lifted or modified to permit the recording of the Mortgage; now therefore

IT IS STIPULATED AND AGREED that the recording in the Office of the City Register of the City of New York under CRFN 2006000583492 of the Mortgage dated November

24, 2004 from 114 Tenth Avenue Assoc., Inc. to the Krstic Irrevocable Trust upon 114 Tenth Avenue (a/k/a 457 West 17<sup>th</sup> Street), New York, New York (Block 715, Lot 1) be vacated; and further

IT IS STIPULATED AND AGREED that the terms of this Stipulation are conditional on this Stipulation being entered as an Order of this Court, and if such condition is not met, this Stipulation shall be void and of no force and effect; and further

IT IS STIPULATED AND AGREED that Ms. Nason shall withdraw her motion dated June 20, 2008 seeking to modify the automatic stay herein; and further

IT IS STIPULATED AND AGREED that, upon receipt of a copy of the entry of this Stipulation as an Order of this Court, the Debtor shall withdraw with prejudice the First Cause of Action and Third Cause of Action in its adversary proceeding herein against Ms. Nason and Kenneth N. Miller, Adv. Pro. No. 08-01347(ALG) and dismiss the adversary proceeding as against Mr. Miller only; and further

IT IS STIPULATED AND AGREED that the rights and obligations of the parties hereto shall not be modified except as expressly provided herein; and further

IT IS STIPULATED AND AGREED that the parties hereto respectfully request that this Court enter the provisions of this Stipulation as an Order of this Court; and further

[remainder of page intentionally left blank]

IT IS STIPULATED AND AGREED THAT, upon being entered as an Order of this Court, this Stipulation may be filed and recorded in the Office of the City Register of the City of New York.

Dated: New York, New York  
August 29, 2008

THE LAW OFFICES OF JOEL  
SHAFFERMAN, LLC  
*Attorneys for the Debtor*

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New York, New York 10118  
(212) 509-1802

By: /S/ Joel M. Shafferman  
Joel M. Shafferman (JMS-1055)

THE LAW OFFICES OF GABRIEL  
DEL VIRGINIA  
*Attorneys for Karen Nason as Trustee  
of the Krstc Irrevocable Trust*  
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New York, New York 10022  
(212) 371-5478

By: /S / Gabriel Del Virginia  
Gabriel Del Virginia (GDV-4951)

**SO ORDERED:** September 25, 2008

/s/ Allan L. Gropper  
Hon. Allan L. Gropper  
United States Bankruptcy Judge